

In The United States District Court For The Middle District
Pennsylvania

William Mayo,
Plaintiff,

v

John E. Wetzel,
Defendant.

Civil Action NO. 1:18-CV-0878
Hon. Judge Christopher C. Conner

Civil Rights Complaint

FILED
HARRISBURG
MAR 16 2023
PER ST
DEPUTY CLERK

Brief In Support Of Motion For appointment Of Counsel

Plaintiff, William Mayo pro se litigant, is a mentally impaired prisoner confined in solitary indefinitely at the state correctional Institution of Phoenix ("SCI Phoenix") whom initiated this action in the United States District Court for the Middle District of Pennsylvania.

Procedural Background

This action has survived a initial motion for summary judgement, a motion for reconsideration and a supplemental motion for summary judgement and unsuccessful mediation attempts predicated from Plaintiff's deteriorated mental stability, inter alia, being confined in solitary for the past

(9)

seven (7) consecutive years.

Be that as it may, contributed to the adverse effects of Plaintiff's harsh conditions of confinement he's been periodically housed in Psychiatric Observation Cell ("POC")'s for his express thoughts of suicide and Plaintiff not even being able to attend the daily yard exercise given a record based injury to Plaintiff's ankle and etc...

standard of Review

To establish a reasonable probability of success on the merits, a movant must produce sufficient evidence to satisfy the essential elements of the underlying cause of action. *Punnett v. Carter*, 621 F.2d 578, 582-83 (3d Cir. 1980). The District Court must examine the legal principles controlling the claim and the potential defenses available to the opposing party. See *BP Chem. Ltd. v. Formosa Chem. & Fibre Corp.*, 229 F.3d 254, 264 (3d Cir. 2000). a mere possibility that the claim might be defeated does not preclude a finding

of probable success if the evidence clearly satisfies the essential prerequisites of the cause of action. *Highmark, Inc. v. UPMC Health Plan, Inc.*, 276 F.3d 160, 173 (3d Cir. 2001).

The fundamental principles of Plaintiff's constitutional claim are firmly established. The Eighth amendment to the United States Constitution proscribes the government from inflicting upon its citizens "cruel and unusual punishment" of any form. U.S. Const. amend. VIII. More than two decades ago, in *Farmer v. Brennan*, 511 U.S. 825, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994), the United States Supreme Court observed that this constitutional proscription requires prison officials to provide "humane conditions of confinement" to their charges. *Id.* at 832, 114 S.Ct. 1970. Prison officials violate this guarantee when they "deprive inmates of the minimal civilized measure of life's necessities." *Rhodes v. Chapman*, 452 U.S. 337, 347, 101 S.Ct. 2392, 69 L.Ed.2d 59 (1981); *Atkinson v. Taylor*, 316 F.3d 257, 272 (3d Cir. 2003).

Conclusion

wherefore, Plaintiff request if this court can grant his motion for the appointment of counsel
(11)

to alleviate Plaintiff from being placed at a disadvantage in terms of being able to present a effective case if a trial is warrant and/or a telephonic conference can be scheduled prompt (to include the Hon. Judge Christopher C. Conner) to intermediate that a individualized step down plan be established with the goal to facilitate Plaintiff's reintegration into GP and any other relief that the court deem appropriate and just at the court's earliest convenience.

William Mayo
Mr. William Mayo #FZ-2947
SCI Phoenix
1200 Mokychic brive
Collegeville, Pa. 19426

bate: March 14, 2023

Certificate of Service

I hereby certify that I am depositing in the U.S. Mail a true and correct copy of the foregoing pleading upon the person(s) in the manner indicated below:

Service by first-class mail
address as follow

Ms. Lindsey A. Bedell, Esq.
Pa. Department of Corrections
1920 Technology Parkway
Mechanicsburg, Pa. 17050

The Clerk of Court
U.S. District Court
P.O. Box 983
228 Walnut Street
Harrisburg, Pa. 17108

William Mayo
Mr. William Mayo # FZ-2947
SCI Phoenix
1200 Mokychic Drive
Collegeville, Pa. 19426

Date: March 14, 2023

Mr. William Mayo #FZ-2947
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